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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,105	01/25/2002	Jorg-Reinhardt Kropp	GR01P4989	1402

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EXAMINER

PAYNE, DAVID C

ART UNIT	PAPER NUMBER
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2633

DATE MAILED: 02/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/057,105	KROPP, JORG-REINHARDT	
	Examiner	Art Unit	
	David C. Payne	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because drawings figures 2, and 5 – 8 contain elements merely shown as blank rectangular shapes not widely recognized engineering figures without an appropriate legend. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 7, 8, 10–14, 16, 19, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Epworth UK Patent Application GB 2 269 953 A (Epworth).

Re claims 1, 8, 10, 11, 16, 19, 23

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Epworth disclosed an optical transmitter/method for generating a digital optical signal sequence, comprising:

a plurality of independently drivable light transmitters (*Fig. 3, #33*), said light transmitters generating respective optical signals for respective bits of a digital electrical signal sequence, said respective optical signals being combined and superposed into an optical signal path (*Fig. 3, #35*); and

a control device (*Fig. 3, #31*), distributing the bits between said light transmitters (*see page 2, lines 1 -- 10*)

Re claim 4,

Epworth disclosed distributor "control device" distributes between said light transmitters a number of bits of the digital electrical signal sequence which corresponds to a number of said light transmitters, and said light transmitters simultaneously generate said respective optical signals (*see page 2, 2nd paragraph*).

Re claim 7, 22 Epworth does disclose staggering the bits in each optical path.

Re claim 12, Epworth disclosed a coupler (*Fig. 3, #34*) for coupler into a single waveguide.

Re claims 13 and 14, Epworth disclosed a four (even) number of transmitters (*Fig. 3, #33*).

5. Claims 2, 3, 5, 6, 17, 18, 20, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Epworth UK Patent Application GB 2 269 953 A (Epworth) in view of Das et al. US 5,703,708 (Das).

Re claims 2, 3, 5, 6, 17, 18, 20, and 21

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Epworth does not disclose that the transmitters generate said respective optical signals in a temporally staggered manner. Das disclosed merging optical pulse streams which have been delayed (fixed temporally staggered) by 1 bit period for each optical delay line (*see Das, col./lines: 2/5-20*). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the delay components (*VL1, VL2, VL3*) respectively along the optical paths in Epworth to obtain the claimed invention. First, the structure of Das (*Fig. 2*) is very similar to the structure of Epworth (*Fig. 3*) in that the Das modulators (*MS1 -- MS4*) function as the Epworth Drivers (#32). Second, whereas the Epworth bits partially overlay, it leads one of ordinary skill in the art to consider adding delay to each optical line to produce a succession of non-overlapping bits.

6. Claims 9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Epworth UK Patent Application GB 2 269 953 A (Epworth) in view of Frankel US 6,096,496 (Frankel).

Epworth does not disclose light transmitters that are disposed a short distance apart on a semiconductor chip in the form of a VCSEL array. Frankel disclosed a VCSEL/ EEL array, which is inherently a configuration of closely space lasers (*see Frankel col./lines: 28/5-30*). It would have been obvious to one of ordinary skill in the art at the time of invention to fashion the Epworth lasers as did Frankel since the high density offered by such arrays allows greater integration and smaller packaging of systems.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (703) 306-0004. The examiner can normally be reached on M-F, 7a-4p.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone numbers for the organization where this

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application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

dcp
February 3, 2003



JASON CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600